

# ***CITY OF KINGMAN***

## ***MAJOR GENERAL PLAN AMENDMENT CHECK LIST***

### **INFORMATION NECESSARY FOR A MAJOR GENERAL PLAN AMENDMENT:**

1. The fee for a major amendment is \$2,000.00 and must accompany the application. Major amendments are heard once a year. The Planning & Zoning Commission is required to hold two hearings in April and the Common Council is required to hold a public hearing in May.
2. The Major General Plan Amendment application showing the applicant's name, all contact information, and the authorized agent for the applicant, if applicable.
3. A list of all property owners of record within 300 feet of the area included in the proposed major amendment. Notice letter will be sent to all owners by first class mail at least 30 days prior to the Planning and Zoning Commission hearing on the Major Amendment.
4. A Proposition 207 Waiver Form. Completion of the form is optional.
5. A narrative for each element or criteria that is met for a Major Amendment and documentation supporting the need for the amendment. For example, what dynamics have changed in the City or in the Neighborhood Planning Area to necessitate the change, from the applicant's point of view?
6. A map of the proposed area showing the existing land use designation and proximity to major infrastructure including freeways, city streets, the Airport, schools, or parks, and the proposed land use designation(s). Outline on the map the surrounding land uses within 500 feet of the proposed Major Amendment.
7. A conceptual plan of the land uses if the change is made, to illustrate the potential uses, under the Major Amendment. Include possible zoning of the area that could be proposed if the amendment is approved.
8. A map showing the existing and proposed water, sewer and access infrastructure currently available or proposed to serve the area of the minor amendment.
9. The deadline to submit the major amendment is at least sixty (60) days prior to the regularly scheduled April Planning and Zoning Commission meeting. In 2015 the deadline is February 14, 2015. In accordance with ARS 9-835 the administrative time frame to review the completeness of an application is 10 working days after receipt of the application. Upon a determination that the application is complete, the application would then be scheduled for review of the Planning and Zoning Commission at the April 14, 2015 meeting. A second public hearing will be scheduled later that month at a date to be determined. The Kingman Common Council meeting will be on May 5, 2015.

**Please note Section 2-136 of the Kingman Municipal Code, regarding the General Plan Amendment Process attached herein.**

## **GENERAL PLAN AMENDMENT PROCESS**

### **Sec. 2-136 Public Hearings for Major Amendments of the General Plan:**

(1) All major amendments proposed for adoption to the general plan by the common council shall be presented at a single public hearing during the calendar year the proposal is made. For this purpose the general plan major amendments public hearing will be held before the Kingman Common Council during the month of May. Deadlines for submitting major amendment requests shall be at least sixty (60) days prior to the regularly scheduled April planning and zoning commission meeting. Applications shall be made in the office of the development services department on an application form with required documentation specified by guidelines provided by the planning department and accompanied with appropriate fees as required. After the development services department has determined that an application is complete, it will be scheduled for at least two (2) public hearings at different locations to be held by the planning and zoning commission.

(2) "Major amendments" are those defined in Ord. No. 1303 passed by the city council on August 6, 2001 [section 2-137].

(3) All other amendments are considered minor amendments, including periodic technical updates to the circulation, open space, growth area, and water resources, based on new information and reports.

(4) Amendments to the general plan of the City of Kingman shall be approved only if:

(a) The amendment is consistent with the policies and objectives of the rest of the general plan; and

(b) The proposed amendment furthers the public health, safety and general welfare of the citizens of Kingman.

(5) If the amendment is to the land use map, an additional finding must be made that the proposed change will be compatible with other land uses, existing or planned, in the vicinity.

(6) On an application to amend the land use map, the planning and zoning commission may only recommend approval or denial. The planning commission recommendation will be forwarded to the city council for public hearing and final action unless withdrawn by the applicant. On an application to amend the text of the plan, the planning and zoning commission may recommend approval, approval as modified by the commission, or denial. The commission's recommendation will be forwarded to the city council for public hearing and final action.

(7) Minor amendments to the general plan map or text shall be adopted by resolution and become effective immediately upon approval by the city council. Major amendments to the general plan shall be adopted by resolution and shall have an affirmative vote of at least two-thirds (2/3) of the members of the common council.

(8) In cases where the amendment has been denied by the city council, no application for an amendment for the same or substantially the same request and, in the case of a map amendment, on the same or substantially the same property, shall be filed within one hundred eighty (180) days from the date of denial of the amendment.

(Ord. No. 1314, 10-15-01; Ord. No. 1553, 9-18-06)

**Sec. 2-137 Major amendments to the city general plan.**

(a) *Criteria.* The criteria for a “major amendment” to the Kingman City General Plan under the “growing smarter” legislation shall be whenever a request is made or action taken based on the following:

- (1) *Commercial.* The proposal will add over two hundred fifty thousand (250,000) square feet of commercial in an area of at least twenty-five (25) acres over what had been previously allowed in the plan.
- (2) *Residential density.* The action will increase the allowed density in the plan by over fifty (50) percent of the existing allowed units and in area of at least three hundred (300) acres.
- (3) *Traffic generation.* Based on ITE’s most recent research document, the proposed change or action has the potential to increase traffic into the street systems by over twelve thousand (12,000) vehicle trips per day.
- (4) *Open space designations.* The proposal will add or remove over three hundred twenty (320) acres of open space from the designations on the general plan.
- (5) *Air pollution.* The proposal will create a project that will have a significant impact on area air quality, or will require a “major” source permit from ADEQ.
- (6) *Water use.* The proposal will create a project or action that will, in the next twenty-year period, be expected to withdraw or commit up to twenty (20) percent of the total estimated community water resource or twenty (20) percent of current annual consumption.
- (7) *Waste water.* The proposal will use up to twenty (20) percent of the city’s existing waste water treatment capacity.
- (8) *Transportation system.* The proposal will have the effect of adding a new four-to five-lane major arterial for at least three (3) lineal miles to the street system.
- (9) *State trust lands.* The proposal would allow for the zoning and development of one (1) square mile or more of state trust land.

(b) *Penalties.* Penalty for violation of any section of this section [2-137](#) shall be as outlined in section [1-8](#) of the Kingman Code of Ordinances.

(Ord. No. 1303, 8-6-01)

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(Ord. No. 1314, 10-15-01; Ord. No. 1553, 9-18-06)



**CITY OF KINGMAN  
MAJOR GENERAL PLAN AMENDMENT  
APPLICATION FORM  
CASE # GP-\_\_\_\_-\_\_\_\_\_**

Application Date: \_\_\_\_\_

I (We) the undersigned property owner(s) request that the area described below receive a Major General Plan Amendment Permit (PROVIDE COMPLETE LEGAL DESCRIPTION):

Property Address: \_\_\_\_\_

Proposed Major General Plan Amendment Request to allow:

\_\_\_\_\_  
\_\_\_\_\_

Mohave County Tax Parcel Number(s): \_\_\_\_\_ Size of Parcel: \_\_\_\_\_

Property Owner's Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

**Applicant Name: (OR AGENT/REPRESENTATIVE); IF THE OWNER DOES NOT SIGN THIS APPLICATION, A WRITTEN LETTER OF CONSENT MUST ACCOMPANY THIS APPLICATION.**

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

ITEMS FROM THE "MAJOR GENERAL PLAN AMENDMENT CHECKLIST" SHALL BE SUBMITTED WITH THIS APPLICATION.

**AGREEMENT FOR THE WAIVER OF CLAIMS FOR DIMINUTION IN VALUE OF PROPERTY  
UNDER A.R.S. §12-1134**

This agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by and between \_\_\_\_\_  
(Owner) and the CITY OF KINGMAN, an Arizona Municipal Corporation, (City).

**RECITALS**

- A. The Owner owns certain real property located within the City or is within the City's service area. This real property is depicted and legally described in the attached Exhibit A, incorporated into this agreement by this reference; and
- B. The Owner has requested that the City enact a certain land use change directly applicable to the Owner's property and agrees that this change will increase the value and use of the land; and
- C. The Owner is aware that, as a condition of receiving approvals under the City's land use laws, the City may impose various requirements, conditions, and stipulations upon the property that will govern development of the property; and
- D. The Owner agrees and consents to all the conditions imposed by the City regarding the land use action in:
  - a. \_\_\_\_\_ Rezoning/Zoning Change
  - b. \_\_\_\_\_ Conditional Use Permit
  - c. \_\_\_\_\_ General Plan Amendment
  - d. \_\_\_\_\_ Variance
  - e. \_\_\_\_\_ Site Plan
  - f. \_\_\_\_\_ Subdivision
  - g. \_\_\_\_\_ Ordinance
  - h. \_\_\_\_\_ Development Agreement
  - i. \_\_\_\_\_ Water/Wastewater Service
  - j. \_\_\_\_\_ other \_\_\_\_\_ (please specify)
- E. By signing this agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the land use action as a result of the City's approval of the action in regards to the above referenced property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under A.R.S. §12-1134 as it exists or may be enacted in the future or that may be amended from time to time with regard to the subject property.
- F. This agreement in no way acquiesces to or obligates the City to perform any legislative or administrative act.
- G. This agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and the City regarding the above referenced property in accordance with A.R.S. §12-1134. This agreement may not be modified or amended except by written agreement by the Owner and the City.
- H. This agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.
- I. If any legal action is brought by either party to enforce any provisions of this agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees and court costs in such amounts as shall be allowed by the court.
- J. Within ten (10) days after the execution of this agreement, the City Clerk shall file the agreement in the Official Records of the Recorder's Office, Mohave County, Arizona.

- K. This agreement runs with the land and is binding upon all present and future owners of the above referenced property.
- L. This agreement is subject to the cancellation provisions of A.R.S. §38-511
- M. The Owner warrants and represents that Owner holds fee title to the above referenced property, and that no other person has ownership interest in the property; and agrees to hold harmless and indemnify the City in any action regarding ownership. Owner is responsible to notify the City if change in ownership of the above listed property takes place prior to approval of the land use action. Any and all Owners must sign this agreement. Additional Owner signatures must be notarized and attached to this agreement.
- N. Any Agent that signs on behalf of the Owner, personally warrants and guarantees to the City that they have the full legal power to bind Owner to this agreement. Furthermore, Agent agrees to indemnify and hold harmless the City in any action regarding ownership of the above listed property. Agent is responsible to notify the City if any change in ownership of the above listed property takes place prior to the full approval of the requested action.

**CITY OF KINGMAN  
A MUNICIPAL CORPORATION**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**I, the undersigned, hereby agree to the terms and acknowledge this document and sign below.**

**PROPERTY OWNER/AGENT**

By: \_\_\_\_\_

Print Name \_\_\_\_\_

State of Arizona )  
County of Mohave )

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_

\_\_\_\_\_  
Notary Public

# **Development Services Department**

## **Planning and Zoning Division**

### **Permit Application Processing Time Frames Per ARS 9-835**

<b>Request</b>	<b>Administrative Time Frame</b>	<b>Substantive Time Frame</b>
<b>Major General Plan Amendment</b>	<b>10-working days</b>	<b>125-working days</b>
<b>Minor General Plan Amendment</b>	<b>10-working days</b>	<b>95-working days</b>
<b>Preliminary Plat</b>	<b>10-working days</b>	<b>95-working days</b>
<b>Preliminary Plat Extension</b>	<b>10-working days</b>	<b>80-working days</b>
<b>Parcel Map (Minor Lot Split)</b>	<b>10-working days</b>	<b>65-working days</b>
<b>Final Plat</b>	<b>10-working days</b>	<b>95-working days</b>
<b>Zoning Text or Zoning Map Amendment</b>	<b>10-working days</b>	<b>80-working days</b>
<b>Conditional Use Permit</b>	<b>10-working days</b>	<b>80-working days</b>
<b>Variance</b>	<b>10-working days</b>	<b>50-working days</b>